

## Appendix I

Forest Practice Rule Section 916.8,  
Sensitive Watershed.

### **916.8, 936.8, 956.8 Sensitive Watersheds [All Districts]**

The Board, at a public hearing, shall determine whether nominated planning watersheds are "sensitive" to further timber operations. Classification of a watershed as "sensitive" shall be supported by substantial evidence that a condition, or conditions, exist(s) where further timber operations within the planning watershed will create a reasonable potential to cause, or contribute to ongoing, significant adverse cumulative effect(s) on the resources identified in 916.8(a)(3) [936.8(a)(3), 956.8(a)(3)], and as set forth in Technical Rule Addendum No. 2 (14 CCR 912.9)[932.9, 952.9] and that mitigation of such significant cumulative effects requires the application of protection measures not required by the Forest Practice Rules. For all planning watersheds classified as "sensitive", the Board shall identify the specific resources which are sensitive to further timber operations and specific mitigation measures that will provide the necessary protection of the sensitive resource(s). A Board finding that a planning watershed is no longer sensitive shall be supported by substantial evidence that such conditions no longer exist. Unless and until a planning watershed(s) is classified as sensitive and any necessary rulemaking completed, the existing rules shall apply:

**(a) Nomination process:** The Director, local, state, or federal agencies and the public may nominate planning watersheds to the Board and shall provide evidence supporting classification of the watershed as sensitive. The nominator shall discuss the effects that further timber operations will have on the specific resources identified in 14 CCR 916.8(a)(3) [936.8(a)(3), 956.8(a)(3)] which are at risk within the nominated watershed and specify those effects not sufficiently addressed under the forest practice rules and discuss the significance of the effects in light of the condition of the resources in areas adjacent to the planning watershed. Such nominations must be accompanied by the following information, descriptions, documents, or maps as appropriate:

1. Name, approximate size and location of the watershed(s) identified by county, township and range, and name(s) of USGS topographic map(s) on which the planning watershed is found.
2. The name of the higher-order stream, if any, to which the watershed is tributary.
3. Specific resources that are significantly threatened by further timber operations on non-federal timberland in the nominated watershed, including, as appropriate, but not limited to:
  - A. Fish, aquatic organisms, aquatic habitat, or riparian habitat;
  - B. Domestic and other water supplies, water quality, other beneficial uses of water existing at the time of nomination or factors related to the stream system and channel morphology.
  - C. Downstream reservoirs, navigable channels, water diversion and transport facilities, estuaries, and harbors;
  - D. Wildlife species, or the habitat of species, listed under state or federal law as rare, threatened or endangered, candidate, or sensitive, including discussion of the habitat features threatened by timber operations;
  - E. Wildlife species with narrow geographic range, low density, low reproductive rates, and highly dependent on localized habitat features, including discussion of the habitat features threatened by timber operations and a discussion of why protective measures are required to prevent a loss of population viability.
4. Natural or management-induced conditions present in the watershed which pose a significant threat to the resources identified in 14 CCR 916.8(a)(3) [936.8(a)(3) and 956.8(a)(3)], above, including, as appropriate, but not limited to:
  - A. Steep slopes and easily destabilized soils;
  - B. Continuing landslide or soil erosion problems related to past or ongoing land-use activities;
  - C. Extensive ground disturbance, particularly associated with roads, skid trails, landings, and watercourse crossings;
  - D. Accelerated aggradation, streambank erosion, and channel scouring;
  - E. Changes in the habitat or condition of wildlife species identified in 14 CCR 916.8(a)(3) [936.8(a)(3) and 956.8(a)(3)], above.
  - F. Accelerated rates of proposed road construction or timber harvesting within a watershed or near streams or springs.
5. Approved Habitat Conservation Plans or other documents approved or under review by public agencies within the nominated watershed which provide for maintenance or improvement over time of management induced conditions within or adjacent to the planning watershed or forest district.
6. Suggested, feasible mitigation measures needed, in addition to current forest practice rules, to provide adequate protection for resources identified in 14 CCR 916.8(a)(3) [936.8(a)(3) and 956.8(a)(3)],

above, and to mitigate or avoid new or continuing significant cumulative effects related to timber operations, including, but not limited to, restoration or rehabilitation of degraded resources within any portion of the proposed sensitive watershed.

7. Other information about the watershed that may assist the Board to evaluate the nomination.

8. Literature citations, expert written opinion, and other relevant sources of information and, where possible, copies of information used to complete the nomination.

9. A list of names and mailing addresses of the following:

A. Landowners of 40 acres or more of lands zoned for timber production in the planning watershed;

B. Public water purveyors and known private purveyors within the planning watershed;

C. Commonly known watershed associations within the planning watershed;

D. Commonly known neighborhood or community associations within the planning watershed;

E. Chairman, county board of supervisors;

F. Chairman, county planning commission;

G. Local manager for any public agency having custodial responsibility for timberlands within the planning watershed; and

H. District or local representatives for review team agencies.

10. A draft notice for newspaper publication containing the information in (a)(1)-(3), a statement that a public hearing will be scheduled before the Board within 60 days of Board receipt of a nomination forwarded by the committee, and a statement that further information can be obtained from the local Department Ranger Unit Headquarters.

**(b) Notice Process:** The Board shall mail notice of the nominated watershed, as provided in (a)10, to the addresses of parties described in 9 A-H and shall publish the provided notice one time in a newspaper with general circulation in the county containing the planning watershed. Such notice shall be provided following a determination that information contained in the nomination meets the requirements of 14 CCR 916.8(a) [936.8(a) and 956.8(a)], above.

**(c) Screening Process:** Before consideration by the Board, nominations shall be screened for compliance with the informational requirements by a nominations review committee, which may consist of the appropriate District Technical Advisory Committee or other Board Committee, as determined by the Board. The nominations review committee shall consult with CDF, the appropriate Regional Water Quality Control Board, the Department of Fish and Game, the Division of Mines and Geology, and other(s) as deemed necessary to determine whether the nomination is supported by substantial evidence. The nominations review committee shall then forward a recommendation for approval or denial of the nomination to the Board within 120 days of the date of receipt by the committee, or such longer time provided by the Board. The nominations review committee shall describe its specific reason(s) for recommending approval or denial of the nomination. In the event that the committee forwards a recommendation for approval, it shall describe the substantial evidence which supports nomination, including specific reasons why the current forest practice rules are inadequate to protect the specific resources at risk and shall provide the following information:

1. A list of which resource is threatened and by which timber operations;

2. If possible, performance standard(s) for timber operations that will avoid or mitigate new or continuing significant cumulative effects;

3. Additional information that is needed for evaluating the impacts of proposed timber operations and is to be included in harvesting plans submitted in the planning watershed;

4. On-site mitigation measures in addition to the current forest practice rules, which can be required by the Director to mitigate the impacts of timber operations within the watershed;

5. Offsite mitigation measures that can be applied within or outside of the sensitive watershed area to offset adverse on-site impacts of timber operations. If such mitigation measures are proposed to protect the resource discussed in subdivision (a)(3)(A) and (B), they must occur in the same drainage. Such measures may include, but are not limited to, voluntary mitigation agreements among ownerships.

6. If needed, recommended alternatives to evaluate the implementation and effectiveness of mitigations required under this section.

7. Exemptions for ownerships, emergencies, or land-use classifications that are different than those provided in the current forest practice regulations and that may be applied in the watershed.

**(d) Public hearing Process:** The Board shall consider the recommendations of the nominations review

committee at a public hearing on classification of the planning watershed, which will be held within 60 days of receipt from the committee. The watershed nomination and recommendations of the committee will be made available to the public between the date of receipt by the Board and the public hearing. Recommendations adopted by the Board which have the effect of a regulation shall be processed in accordance with the Administrative Procedures Act (Section 11340. et seq. Gov. Code).